

## CCRB INVESTIGATIVE RECOMMENDATION

|  |   |  |   |                                    |                                 |
|--|---|--|---|------------------------------------|---------------------------------|
| Investigator:<br>Harold Rodriguez                | Team:<br>Squad #10  | CCRB Case #:<br>201707568                  | <input checked="" type="checkbox"/> Force             | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |   |  | <input checked="" type="checkbox"/> Abuse             | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Friday, 08/04/2017 11:40 PM  | Location of Incident:<br>Lafayette Avenue and South Portland Avenue | Precinct:<br>88                            | 18 Mo. SOL<br>2/4/2019                                | EO SOL<br>2/4/2019                 |                                 |
| Date/Time CV Reported<br>Wed, 09/13/2017 5:41 PM | CV Reported At:<br>CCRB   | How CV Reported:<br>Call Processing System | Date/Time Received at CCRB<br>Wed, 09/13/2017 5:41 PM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)    | Shield | TaxID  | Command |
|-----------------------|--------|--------|---------|
| 1. POM Joel Paulino   | 26199  | 949456 | 088 PCT |
| 2. POF Glorimar Duran | 18998  | 958535 | 088 PCT |

| Officer(s)           | Allegation  | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A.POM Joel Paulino   | Abuse: Police Officer Joel Paulino threatened to arrest § 87(2)(b)          |                             |
| B.POF Glorimar Duran | Force: Police Officer Glorimar Duran used physical force against § 87(2)(b) |                             |

### Case Summary

§ 87(2)(b) filed the following complaint with the CCRB via telephone on September 13, 2017.

On August 4, 2017, at approximately 10:50 p.m., § 87(2)(b) and a female she did not want to identify, took a gypsy cab from the restaurant, Junior's in Brooklyn to the corner of Lafayette Avenue and South Portland Avenue in Brooklyn. Upon arriving at the location, § 87(2)(b) paid the cab driver 7 dollars and left. The unidentified cab driver called the police. PO Joel Paulino of the 88<sup>th</sup> Precinct responded and told § 87(2)(b) to pay the fare or she would go to jail (**Allegation A – Abuse of Authority**, § 87(2)(g) § 87(2)(b) stated that she only had a credit card. PO Glorimar Duran of the 88<sup>th</sup> Precinct allegedly grabbed § 87(2)(b) arm, pushed her against a vehicle and handcuffed her (**Allegation B – Force**, § 87(2)(g) § 87(2)(b) was taken to the 88<sup>th</sup> Precinct stationhouse and issued a summons for § 87(2)(b) § 87(2)(b) (Board Review 04).

There is no video associated with this case.

### Findings and Recommendations

#### **Allegation A – Abuse of Authority: Police Officer Joel Paulino threatened to arrest** § 87(2)(b)

§ 87(2)(b) exited a cab on the corner of Lafayette Avenue and South Portland Avenue with another female that she refused to identify to the CCRB. § 87(2)(b) stated that it was her belief that any cab ride within Brooklyn always costs 7 dollars, regardless of the destination. § 87(2)(b) paid 7 dollars and met up with a group of friends who she also refused to identify, on the sidewalk. § 87(2)(b) stated that while on the sidewalk she was approached by officers from the 88<sup>th</sup> Precinct and the cab driver. The cab driver stated that § 87(2)(b) owed him 3 dollars. § 87(2)(b) argued that the 10 dollar fare was incorrect. § 87(2)(b) did not end up paying the remaining 3 dollars she owed the cab driver. As a result, she was told by PO Paulino that if she did not pay the full fare she was going to jail.

The cab driver that drove § 87(2)(b) and her friend could not be identified as the EVENTS for the location yielded several results at the location, none of which was related to this incident (Board Review 01).

§ 87(2)(b) friends could not be interviewed as she refused to identify them and provide any contact information for them.

PO Paulino and PO Duran stated that they responded to a radio run for an EDP at Lafayette Avenue and South Portland Avenue. Upon arrival, they found an unidentified cab driver had made the call. Both officers stated that the unidentified cab driver informed them that § 87(2)(b) refused to pay the cab fare altogether. They both stated that PO Paulino advised § 87(2)(b) that she could be arrested for theft of services if she did not pay the cab fare.

NYS Penal Law 165.15.03 states that a person is guilty of theft of services when, “With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids or attempts to avoid such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false. A person who fails or refuses to pay for such services is presumed to have intended to avoid payment.” (Board Review 02)

§ 87(2)(g)

§ 87(2)(g)

**Allegation B - Force: Police Officer Glorimar Duran used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) failed to pay the fare, whether in partially or in full. As a result, PO Duran and PO Paulino arrived at the scene and told her to pay the fare. § 87(2)(b) stated that after she was told she had to pay the fare, she told PO Paulino and PO Duran that she only had credit cards. PO Duran then grabbed § 87(2)(b) arms and pushed her against a nearby vehicle to handcuff her. After being handcuffed, she was placed into the police vehicle and taken to the stationhouse and was issued a summons for disorderly conduct.

As stated above, § 87(2)(b) refused to identify the individuals she was with during the incident and their statements could not be obtained.

PO Paulino and PO Duran both stated that § 87(2)(b) was irate, screaming and cursing at them while standing outside, in front of a bar. Due to a crowd starting to gather outside of the bar, the officers determined that § 87(2)(b) would be handcuffed and brought to the stationhouse and issued a summons for disorderly conduct. The summons stated that § 87(2)(b) was on a public sidewalk with the intent to cause a disruption and acted in a verbally threatening manner, causing a crowd to gather. Additionally, § 87(2)(b) was uncooperative and caused a public inconvenience (Board Review 05). § 87(2)(b) was handcuffed without any incident and was not pushed against a vehicle. PO Paulino and PO Duran both stated that they did not require any force to handcuff § 87(2)(b)

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 03).
- PO Joel Paulino has been a member of service for 7 years and has 3 allegations against him in 2 CCRB cases. PO Paulino has no substantiated allegations against him.

§ 87(2)(g)

- PO Glorimar Duran has been a member of service for 2 years and has no substantiated allegations against her.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) was offered mediation and § 87(2)(b)
- A Notice of Claims request was sent to the NYC Comptroller's office on February 2, 2018 and the results will be added to the case file upon receipt.

§ 87(2)(b), § 87(2)(c)

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date